

SENATE BILL

No. 585

**Introduced by Senator Perata
(Coauthor: Senator Peace)**

February 22, 2001

An act to amend ~~Section 20200~~, *repeal, and add Section 13102* of the Elections Code, relating to ~~election campaigns~~ *elections*, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 585, as amended, Perata. ~~Election campaigns: solicitations: definitions~~ *Elections: ballots.*

Existing law provides that at partisan primary elections, each voter not registered as intending to affiliate with any one of the political parties participating in the election shall be furnished only a nonpartisan ballot, unless he or she requests a ballot of a political party and that political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to state a party affiliation to vote the ballot of that political party.

This bill would impose a state-mandated local program by requiring the county elections official to maintain a record of which political party's ballot was requested, or whether a nonpartisan ballot was requested, by each person who declined to state a party affiliation. It would require that the record be made available to any person or committee who is authorized to receive copies of the printed indexes of registration for primary and general elections pursuant to a specified provision of law.

This bill would become operative on March 6, 2002.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would provide that it shall take effect immediately as an urgency statute.

~~Existing law prohibits any person, as defined, that includes in its name the name of a political party from soliciting campaign contributions for any purpose by representing that the funds will be used by that political party unless the person has previously obtained written consent to do so from specified party representatives.~~

~~This bill would expand the definition of “person” to include any organization or group of persons acting in concert.~~

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 20200 of the Elections Code is amended~~
2 ~~to read:~~

3 ~~20200. As used in this article, “person” includes a firm,~~
4 ~~association, corporation, campaign committee, or any other~~
5 ~~organization or group of persons acting in concert.~~

6 *SECTION 1. Section 13102 of the Elections Code is amended*
7 *to read:*

8 13102. (a) All voting shall be by ballot. There shall be
9 provided, at each polling place, at each election at which public
10 officers are to be voted for, but one form of ballot for all candidates
11 for public office, except that, for partisan primary elections, one
12 form of ballot shall be provided for each qualified political party
13 as well as one form of nonpartisan ballot, in accordance with
14 subdivision (b).

(b) At partisan primary elections, each voter not registered as intending to affiliate with any one of the political parties participating in the election shall be furnished only a nonpartisan ballot, unless he or she requests a ballot of a political party and that political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to state a party affiliation to vote the ballot of that political party. The nonpartisan ballot shall contain only the names of all candidates for nonpartisan offices and measures to be voted for at the primary election. Each voter registered as intending to affiliate with a political party participating in the election shall be furnished only a ballot of the political party with which he or she is registered and the nonpartisan ballot, both of which shall be printed together as one ballot in the form prescribed by Section 13207.

(c) A political party may adopt a party rule in accordance with subdivision (b) that authorizes a person who has declined to state a party affiliation to vote the ballot of that political party at the next ensuing partisan primary election. The political party shall notify the party chairman immediately upon adoption of that party rule. The party chairman shall provide written notice of the adoption of that rule to the Secretary of State not later than the 135th day prior to the partisan primary election at which the vote is authorized.

(d) *This section shall remain in effect only until March 6, 2002, and as of that date is repealed.*

SEC. 2. *Section 13102 is added to the Elections Code, to read:*

13102. (a) *All voting shall be by ballot. There shall be provided, at each polling place, at each election at which public officers are to be voted for, but one form of ballot for all candidates for public office, except that, for partisan primary elections, one form of ballot shall be provided for each qualified political party as well as one form of nonpartisan ballot, in accordance with subdivision (b).*

(b) *At partisan primary elections, each voter not registered as intending to affiliate with any one of the political parties participating in the election shall be furnished only a nonpartisan ballot, unless he or she requests a ballot of a political party and that political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to state a party affiliation to vote the ballot of that political party. The nonpartisan ballot shall contain only the names of all candidates for*

1 *nonpartisan offices and measures to be voted for at the primary*
2 *election. Each voter registered as intending to affiliate with a*
3 *political party participating in the election shall be furnished only*
4 *a ballot of the political party with which he or she is registered and*
5 *the nonpartisan ballot, both of which shall be printed together as*
6 *one ballot in the form prescribed by Section 13207.*

7 *(c) A political party may adopt a party rule in accordance with*
8 *subdivision (b) that authorizes a person who has declined to state*
9 *a party affiliation to vote the ballot of that political party at the next*
10 *ensuing partisan primary election. The political party shall notify*
11 *the party chairman immediately upon adoption of that party rule.*
12 *The party chairman shall provide written notice of the adoption of*
13 *that rule to the Secretary of State not later than the 135th day prior*
14 *to the partisan primary election at which the vote is authorized.*

15 *(d) The county elections official shall maintain a record of*
16 *which political party's ballot was requested pursuant to*
17 *subdivision (b), or whether a nonpartisan ballot was requested, by*
18 *each person who declined to state a party affiliation. The record*
19 *shall be made available to any person or committee who is*
20 *authorized to receive copies of the printed indexes of registration*
21 *for primary and general elections pursuant to Section 2184.*

22 *(e) This section shall become operative on March 6, 2002.*

23 *SEC. 3. Notwithstanding Section 17610 of the Government*
24 *Code, if the Commission on State Mandates determines that this*
25 *act contains costs mandated by the state, reimbursement to local*
26 *agencies and school districts for those costs shall be made*
27 *pursuant to Part 7 (commencing with Section 17500) of Division*
28 *4 of Title 2 of the Government Code. If the statewide cost of the*
29 *claim for reimbursement does not exceed one million dollars*
30 *(\$1,000,000), reimbursement shall be made from the State*
31 *Mandates Claims Fund.*

32 *SEC. 4. This act is an urgency statute necessary for the*
33 *immediate preservation of the public peace, health, or safety*
34 *within the meaning of Article IV of the Constitution and shall go*
35 *into immediate effect. The facts constituting the necessity are:*

36 *In order to allow sufficient time to develop procedures for*
37 *gathering the data as proposed by this bill during the next general*

1 *election and thereafter; it is necessary that this act take effect*
2 *immediately.*

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